



Circuit Court of Jackson County, Missouri

415 EAST 12TH STREET
KANSAS CITY, MISSOURI 64106-2706

DAVID M. BYRN, JUDGE
DIVISION THREE

(816) 881-3603
FAX: (816) 881-3378
david.byrn@courts.mo.gov

August 15, 2019

The Honorable Frank White, Jr.
Jackson County Executive
415 E. 12th Street
Kansas City, MO 64106

Hand delivered

Re: Lack of Adequate Elevator Service at Courthouse

Dear Mr. County Executive:

Again this week, I have discovered that the Kansas City Courthouse is plagued with **only one operational public elevator**. Unfortunately, this has become a regular occurrence. It is also **absolutely unacceptable**. Not only does this condition exist today, but I have been advised that it will likely continue to exist into next week.

This courthouse (a 15 story building) is currently attempting to operate with only 2 public elevators – this situation has existed since the first of February and based on estimates to replace the elevators, this will continue for the next 18+ months. Each day, approximately 2,000 people come and go throughout the courthouse, trying to get to different locations. This deficiency is problematic for the Court as we fulfill our duties to litigants, attorneys, jurors, staff and the public in general. However, when one of the elevators stops operating, it becomes almost impossible to meet these obligations. Clearly this is a major inconvenience for our employees and makes it increasingly difficult for them to do their jobs.

Additionally, the difficulties and challenges imposed on our residents and citizens, jurors, litigants, attorneys and any individual who comes to this building are immense. It is absolutely unbelievable and intolerable that the County is subjecting taxpayers to this situation.

On multiple prior occasions, I have expressed my deep concern and frustration with this situation. I have repeatedly stated that operating a court of this size in a building with extremely limited elevator access is severely compromised. I have also advised the County that if the elevator situation cannot be remedied with reasonable assurances of continuing service, the County must explore other alternatives.

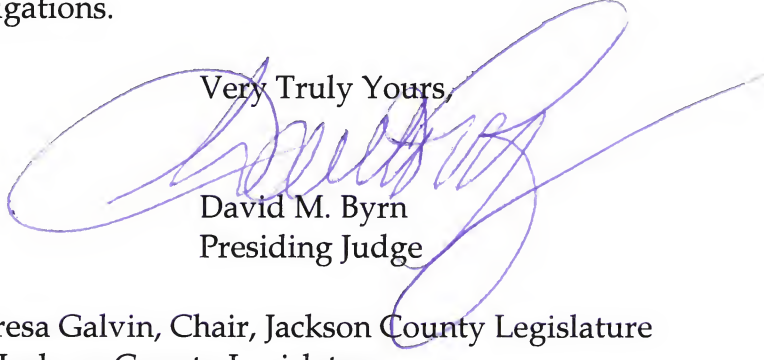
The Courthouse building is owned by the County. Pursuant to Missouri statute, the County has the obligation to "maintain ... a good and sufficient courthouse ...". R.S. Mo. Section 49.310. One cannot call a courthouse with only one operational public elevator, good and sufficient. Both the Missouri Supreme Court and the Court of Appeals have recognized that the **County has the duty to repair its courthouses**, duties and obligations that are imposed by statute. See *State ex rel. Twenty-Second Judicial Circuit v. Jones*, 823 S.W.2d 471 (Mo. 1992), and *State ex rel. Twenty-Second Judicial Circuit v. Jones*, 1991 WL 164648 (Mo. App. 1991).

Clearly, **the County is violating its statutory obligations regarding this courthouse**, thereby impairing the administration of justice and negatively impacting the citizens and taxpayers of Jackson County. Therefore, please advise me immediately as to how the County intends to meet its obligations and remedy this situation.

Possible remedies could include bringing the currently out of service elevators back into service and keeping them operational, having a full-time representative of Schindler Elevator Company (or some other company) on-site full time to be able to address on-going, repetitive and continuing service outages, or finding a new location for the Court to operate while this building is not completely accessible. I am sure there are other alternatives for the County to consider and implement. Whatever those remedies are, I need to know immediately.

I look forward to your explanation to the Court and more importantly to the taxpayers of Jackson County, regarding how the County intends to remedy this situation and fulfill its statutory obligations.

Very Truly Yours,



David M. Byrn
Presiding Judge

cc: The Honorable Theresa Galvin, Chair, Jackson County Legislature
All members of the Jackson County Legislature
The Honorable Dale Youngs, Administrative Judge, Family Court
Ms. Mary Marquez, Court Administrator
Mr. Edwin Stoll, Chief Administrative Officer, Jackson County
Ms. Jamie Masters, Chief Operating Officer, Jackson County